

APPLYING LAWS TO CONGRESS

As much as Hoosiers complain to me about excessive government regulations, they complain even more about congressional exemptions from laws that are applied to private citizens and businesses. They believe Congress should follow the same laws as private citizens, and I agree. To address such concerns, on the opening day of the 104th Congress the House passed unanimously the Congressional Accountability Act, which will ensure that Congress lives under the same laws applied to private citizens.

BACKGROUND

Many Members of Congress from both political parties and both chambers have worked for years to develop a process for applying laws to Congress that is consistent with the constitutional requirement of the separation of powers. For example, a proposal similar to the Congressional Accountability Act was included among the recommendations of the bipartisan Joint Committee on the Organization of Congress, which I co-chaired. In August 1994, legislation almost identical to the Congressional Accountability Act passed the House by a margin of 437 to 4. Unfortunately, that proposal was blocked in the Senate in the closing days of the 103rd Congress. The House responded in October 1994 by applying laws to itself via a change in House rules.

This rules change was a worthwhile accomplishment. But private sector laws should be applied as fully as possible to both the House and Senate, and this is best accomplished by legislation rather than a rules change in one chamber. Moreover, the internal House rules change could not allow for court appeals of employee grievances. As a result, Congress is again considering legislation to end the long history of congressional exemptions.

IMPORTANCE

There are three key reasons why it is important for Members of Congress to follow the same laws that cover private citizens.

First, the widespread perception that Members have exempted themselves from many laws significantly undermines public confidence in Congress. This institution loses credibility and legitimacy when people believe that Members are somehow "above the law."

Second, more fully applying laws to Congress will improve the quality of the legislation we pass. It can be difficult for Members to understand completely the practical implications of legislation when we are not forced to confront these implications in our own place of work.

And third, it is simply unfair not to extend to congressional employees the same rights and protections available to those who work elsewhere.

COMPLEXITIES

As with many congressional reform issues, the issue of applying laws to Congress is complex, and often misunderstood. For example, many laws such as the Social Security Act have long been applied to Congress in exactly the same manner that they are applied to the private sector. Other key labor laws also are currently applied to Congress, although the methods of enforcement differ somewhat from those adopted for private sector employees. Among these laws are the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Family and Medical Leave Act. Some laws have not been applied to Congress simply because they have no bearing on the internal operations of this institution, such as Title IX of the Higher Education Act Amendments of 1972, which deals with women's athletics programs. And in certain areas Members are actually subject to more stringent statutory

limitations than those applied to people in the private sector: examples include full public financial disclosure, post-employment restrictions, and strict limitations on outside income.

Constitutional questions have also complicated the effort to bring the legislative branch into compliance. There would be considerable potential for mischief if a President of one party were allowed to use his regulatory enforcement powers to harass or unduly influence Members of Congress of another party. The internal operations of Congress cannot be subject to regulation—and possible political manipulation—by the President.

However, even with these common misunderstandings and difficulties, the underlying problem has remained: Congress has not been subject to certain laws to the maximum extent feasible, and the institution must be brought into full compliance in a manner consistent with the Constitution.

PROVISIONS

My view is that the Congressional Accountability Act will accomplish these goals without undermining the separation of powers. As passed by the House, it contains a number of important provisions. It will: require the direct application of private sector laws, including OSHA, to Congress; create a bicameral Office of Compliance to issue the regulations necessary to implement these laws; provide that such regulations will go into effect within a certain period unless Congress explicitly votes otherwise; and allow congressional employees to take their complaints to court and receive compensation.

House passage of the Congressional Accountability Act is not the final hurdle in the process of applying laws to Congress. The Senate also has pledged quick consideration of a bill to apply laws to Congress. But the Senate bill likely will differ from the House-passed version in important ways, and the two chambers will have to agree on a single consensus package. Still, my hope is that Congress will settle the issue of congressional compliance early this year.

CONCLUSION

The application of laws to Congress is one key component of the overall reform agenda advanced by the Joint Committee on the Organization of Congress and other reform-minded Members during recent years. But reform is an ongoing process, and much work still needs to be done. Members should continue to work in a bipartisan fashion for meaningful congressional reform throughout the 104th Congress. The passage of a strong reform agenda will help demonstrate that Members are serious about enhancing the openness, effectiveness, and public credibility of Congress.

TRIBUTE TO JONATHAN COHEN, SUBWAY HERO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Jonathan Cohen, a brave young African American whose quick and selfless action prevented a fleeing suspect from escaping a tragic subway murder early this month.

Jonathan Cohen lived in the Bronx until he was 10 and attended P.S. 48 in my Congressional District. He was descending the escalator to the platform at the 34th Street station on January 4 when he saw a man push an el-

derly woman into the path of an oncoming subway train. While the other onlookers froze, Mr. Cohen had the presence of mind to follow the man he saw commit the crime, call out to others to call the police, and then grab and hold the suspect when he reached the token booth.

Mr. Speaker, when teachers at P.S. 48 read about this incident, they recalled the young boy named Jonathan Cohen who had attended their school 20 years ago. After doing some checking, they were able to ascertain that the hero of January 4 was a grown-up version of the boy they remembered.

Mr. Speaker, on Friday, February 17, P.S. 48 will hold a Black History Month program. The annual theme of this year's celebration, which had been established well in advance of the events of January 4, is "Growing Better Citizens." How fitting it is, Mr. Speaker, that Jonathan Cohen, who has grown into such an outstanding citizen, will speak at this event.

Mr. Speaker, I ask my colleagues to join me and the P.S. 48 community in praise of Jonathan Cohen for the shining example he sets for all Americans.

INTRODUCTION OF TAX LEGISLATION TO REPEAL THE \$15 MILLION LIMITATION ON TAX EXEMPT PUBLIC OUTPUT BONDS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today I am reintroducing legislation to amend the Internal Revenue Code of 1986 to repeal the special \$15,000,000 limitation on the amount of a tax-exempt bond issue which may be used to provide an output facility. The intent of this legislation is to treat public power in the same manner as other public facilities.

Traditionally, States and local governments and other public entities have relied on the issuance of municipal tax-free bonds to finance construction of a wide range of essential public facilities, including schools, roads, water and waste water treatment systems, electric and gas utilities, hospitals, health centers, prisons, and public transit. The Tax Reform Act of 1986 included numerous provisions restricting the use of tax exempt bonds. These provisions were enacted in order to curb abuses in the bond community and to increase revenue to reduce the Federal budget deficit.

One of the changes made in 1986 was the extent to which private parties could benefit from the use of facilities financed by tax-exempt bonds. Pre-1986, up to 25 percent of facilities constructed through the issuance of tax-exempt bonds could benefit from the use of facilities financed by tax-exempt bonds. The Tax Reform Act of 1986 reduced this restriction to 10 percent for all Government bonds. However, a further limitation was imposed on public power and public natural gas transmission facilities. The private use test for public power is the lesser of 10 percent of \$15 million. No other entities are subject to the \$15 million private-use test.

The removal of the \$15 million cap would place public power on equal footing with other

public facilities. The additional restriction on public power hampers the ability of these entities to buy and sell power in the open market. In addition, the restriction constrains public power entities from building units of a size which allow them to gain economies of scale.

In 1989, the Anthony Commission on Public Finance, chaired by former Rep. Beryl Anthony issued a report entitled "Preserving the Federal-State-Local Partnership: The Role of Tax-Exempt Financing." The Commission recommended the elimination of the \$15 million public power limit. The bottom line is that this restriction is not only discriminatory, but it drives up the cost of power to consumers of public systems.

On June 23, 1993, the U.S. Department of Treasury testified before the Subcommittee on Select Revenue of the Ways and Means Committee and addressed this legislation. Leslie B. Samuels, Assistant Secretary for Tax Policy said, "There does not appear to be a reason to treat (these) output facilities more harshly than other output facilities. As a practical matter, the \$15 million output limit of current law may have little effect other than to create an incentive for public power issues to operate inefficiently."

The legislation will remove the \$15 million cap and treat public power like other public facilities and I urge my colleagues to join me in cosponsoring this legislation.

JOHN M. RANDOLPH, JR., HONORED WITH COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. KANJORSKI. Mr. Speaker, I am pleased today to have the opportunity to recognize the accomplishments of a highly respected leader and my personal friend, John M. Randolph, Jr. Mr. Randolph will be honored by the Wilkes-Barre community on February 19 at the prestigious Lincoln Day Dinner sponsored by the B'nai B'rith S.J. Strauss Lodge.

Mr. Randolph, a graduate of King's College, is a senior partner in the accounting firm of Parente, Randolph, Orlando, Carey and Associates, which is the 25th largest CPA firm in the United States. It has 10 offices in Pennsylvania, and employs a professional staff of more than 300 employees.

A frequent speaker for professional and community service groups, John has often shared his financial expertise with the community. The list of his personal and professional affiliations and memberships is long and impressive. It includes a seat on the board of trustees of College Misericordia where he served as the vice-chairman of the board and chairman of the finance committee. Currently he is serving as trustee emeritus. He has served from 1989 to 1990 as a trustee for Keystone Junior College; he is a current trustee of King's College and sits on the Wilkes University Presidents Council.

John came to Wilkes-Barre in 1959 to attend King's College and made the Wyoming Valley his home. He and his wife, Sharon, are the proud parents of two sons, John III, a second-year law student, and Scott, who attends Wilkes University.

Mr. Speaker, I am pleased to join with the Strauss Lodge in honoring John Randolph, Jr., for his dedication to his profession and to his community. I applaud the lodge's choice of John Randolph as this year's recipient of this prestigious award.

SALUTE TO THE PARLATOS FOR THEIR SERVICE IN THE U.S. AIR FORCE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Ms. SLAUGHTER. Mr. Speaker, I rise today to salute Julie and Alan Parlato from Rochester, NY for their accredited service in the U.S. Air Force on the occasion of their retirement at the Offutt AFB on November 18, 1994.

In SMSgt. Alan A. Parlato's 24 years in the Air Force he earned a SAC master technician patch and a SAC master aircraft and munitions maintenance badge. His decorations and awards include the Meritorious Service Medal with two oak leaf clusters, Air Force Commendation Medal with one oak leaf cluster, Air Force Achievement Medal, Air Force Outstanding Unit Award with one oak leaf cluster, Air Force Organizational Excellence Award with one oak leaf cluster, Air Force Good Conduct Medal with seven oak leaf clusters, National Defense Service Medal with bronze star, Air Force Overseas Long Tour Ribbon with one oak leaf cluster, Air Force Longevity Service Award with five oak leaf clusters, NCO PME Graduation Ribbon with one oak leaf cluster, Small Arms Expert Marksmanship Ribbon, and the Air Force training ribbon. He enlisted in the Air Force in 1971 as a grand radio repairman and left as a maintenance operations superintendent and logistics group resource advisor.

In Master Sergeant Julie A. Parlato's 20 years in the Air Force her decorations and awards include the Defense Meritorious Service Medal, Air Force Commendation Medal with three oak leaf clusters, Air Force Outstanding Unit Award, Air Force Organizational Excellence Award, Combat Readiness Medal, Air Force Overseas Long Tour Ribbon, Air Force Longevity Service Award with four oak leaf clusters, NCO PME Graduation Ribbon with one oak leaf cluster, and the Air Force Training Ribbon. She enlisted in the Air Force in 1974 as a plumber, retrained first as a teletype operator and later to go into the training career field. She left as chief, education and training section responsible for developing and evaluating unit training programs.

Alan A. Parlato and the former Julia A. Reitano met in 1969 and were married in August 1971 in Rochester, NY. They have one son, Christopher, a daughter-in-law, Heather, and two grandsons, Zakk and Storm. Alan's proud parents are Russell and June Parlato of Irondequoit, NY. Julia's equally proud parents are Joe and Theresa Reitano of Greece, NY.

Mr. Speaker, please join me and their family in thanking the Parlato family for their allegiance to and brave service for our Nation.

AGREE TO DISAGREE IN BIPARTISAN EFFORT TO GET THE PEOPLE'S WORK DONE

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Ms. JACKSON-LEE. Mr. Speaker, when the President of the United States addressed this body last night during his annual remarks on the State of the Union, he expressed his desire to put partisan politics aside and to work with this new Congress in accomplishing the goals of the Nation. We should hasten to accept this challenge.

The President's message was a forthright affirmation of America's working men and women. He acknowledges that despite economic recovery, too many families are still working harder for less. President Clinton outlined his strategy for preparing the American people to face the demands of today's economy by raising family incomes. In an effort to reach parity in wages, he proposed raising the minimum wage. He further outlined the proposals of his Middle-Class Bill of Rights—a proposal which will help middle-class families meet the costs of raising and educating their children, obtaining training for higher paying jobs, purchasing a first home, or for the care of an elderly parent. Let us use the President's words and ideas as a framework for legislative action. We cannot afford to allow his passionate directives to simply pass through these halls as wishful rhetoric. We must act now.

President Clinton's new covenant of rights and responsibilities between the Federal Government and the American people is a prescription for new hope. I agree that the Government must help people obtain the necessary tools to improve the quality of their lives. But I further believe that people must play a role in building not only their own lives, but in building and strengthening their communities and their country. To do this, we need to reform our welfare state into a system that rewards work and responsibility; we must continue the fight against crime; and we should build upon the principles of the AmeriCorps national service program.

We are a nation of people—united to work for many of the same causes. But when we disagree, it does not mean that we are fundamentally different creatures. We simply disagree. It's that simple. For this Nation to move forward, we must learn to agree to disagree and move beyond party lines to work toward the health and well being of all. Thank you, Mr. President, for your inspiring words of encouragement.

PERSONAL EXPLANATION

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

Mr. QUINN. Mr. Speaker, I am entering these remarks in response to Roll Call Vote 25 which took place Monday night, January 23. I have been recorded as not voting. This is due, however, to problems with my voting card rather than my absence from the floor.